

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

LUCHA EL LIBERTAD (a/k/a
STEVEN PEREZ)

Defendants.

22-cr-644 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

At a 3/15/23 conference, this Court previously set a trial date for defendant Lucha El Libertad (named in the indictment as Steven Perez) of 5/22/23, pending resolution of Mr. El's motions. The trial date was at that time agreed to by all the parties. The Court also excluded time under 18 U.S.C. § 3161(h)(7), finding the time between then and 5/22/23 necessary to allow supplemental briefing and ruling on defendant's motions and to allow counsel to adequately prepare for trial, among other reasons. See 3/15/23 Order, Dkt. 35.

Counsel for both parties have since informed the Court by email and during a 3/21/23 teleconference that Mr. El is also set to stand trial in Massachusetts state court on 5/22/23 in a seven-defendant trial in which Mr. El is representing himself pro se. As that trial date was apparently set before this Court's 3/15/23 conference, the Court grants Mr. El's application to adjourn the 5/22/23 trial date. In light of the number of pre-existing trial commitments counsel for Mr. El has throughout this Spring and Summer and the Court's own busy preexisting trial schedule, the earliest date on which the Court and

parties would all be prepared and available to begin trial is 8/28/23. As such, the Court resets Mr. El's trial to 8/28/23 (pending resolution of his motions) and hereby excludes all time between then and now under 18 U.S.C. § 3161(h)(7) of the Speedy Trial Act, finding that such time is necessary to enable Mr. El to prepare for and stand trial at the previously scheduled criminal trial in Massachusetts in which he is representing himself pro se, to allow supplemental briefing and ruling on Mr. El's motions, to allow counsel for both sides to adequately prepare for trial, and to accommodate the already very busy schedules of Mr. El's counsel, the Government, and this Court. For these and other reasons, the Court finds that the ends of justice in delaying trial through 8/28/23 substantially outweigh the best interests of the public and the defendant in a speedy trial.

SO ORDERED.

New York, NY
March 22, 2023



JED S. RAKOFF, U.S.D.J.